

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:17-cv-04457-KPF**

Osen LLC v. United States Central Command
Assigned to: Judge Katherine Polk Failla
Cause: 05:552 Freedom of Information Act

Date Filed: 06/13/2017
Date Terminated: 03/25/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Osen LLC**

represented by **William Adam Friedman**
Osen LLP
Two University Plaza, Suite 400
Hackensack, NJ 07601
(201)-265-6400
Fax: (201)-265-0303
Email: wfriedman@osenlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Jacob Radine
Osen LLP
Two University Plaza, Suite 402
Hackensack, NJ 07601
201-265-6400
Fax: 201-265-0303
Email: mradine@osenlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant**United States Central Command**

represented by **Andrew Edward Krause**
United States Attorney's Office, SDNY
86 Chambers Street, 3rd Floor
New York, NY 10007
(212) 637-2769
Fax: (212) 637-2786
Email: andrew.krause@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/13/2017	<u>1</u>	COMPLAINT against United States Central Command. (Filing Fee \$ 400.00, Receipt Number 0208-13779643) Document filed by Osen LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Radine, Michael) (Entered: 06/13/2017)
06/13/2017	<u>2</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Central Command, re: <u>1</u> Complaint,. Document filed by Osen LLC. (Radine, Michael) (Entered: 06/13/2017)
06/13/2017	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Osen LLC.(Radine, Michael) (Entered: 06/13/2017)
06/13/2017	<u>4</u>	CIVIL COVER SHEET filed. (Radine, Michael) (Entered: 06/13/2017)

06/14/2017		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above–entitled action is assigned to Judge Katherine Polk Failla. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pc) (Entered: 06/14/2017)
06/14/2017		Magistrate Judge Debra C. Freeman is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pc) (Entered: 06/14/2017)
06/14/2017		Case Designated ECF. (pc) (Entered: 06/14/2017)
06/14/2017	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to United States Central Command. (pc) (Entered: 06/14/2017)
06/14/2017	<u>6</u>	NOTICE OF APPEARANCE by William Adam Friedman on behalf of Osen LLC. (Friedman, William) (Entered: 06/14/2017)
06/14/2017	<u>7</u>	NOTICE OF CHANGE OF ADDRESS by William Adam Friedman on behalf of Osen LLC. New Address: Osen LLC, 2 University Plaza, Suite 402, Hackensack, NJ, USA 07601, 201–265–6400. (Friedman, William) (Entered: 06/14/2017)
06/14/2017	<u>8</u>	NOTICE OF CHANGE OF ADDRESS by Michael Jacob Radine on behalf of Osen LLC. New Address: Osen LLC, 2 University Plaza, Suite 402, Hackensack, NJ, USA 07601, 201–265–6400. (Radine, Michael) (Entered: 06/14/2017)
06/16/2017	<u>9</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 9/20/2017 at 03:00 PM in Courtroom 618, U.S. Courthouse, 40 Centre Street, New York, NY 10007 before Judge Katherine Polk Failla, and as further set forth in this Order. (Signed by Judge Katherine Polk Failla on 6/16/2017) (rjm) (Entered: 06/16/2017)
06/23/2017	<u>10</u>	NOTICE OF APPEARANCE by Andrew Edward Krause on behalf of United States Central Command. (Krause, Andrew) (Entered: 06/23/2017)
06/23/2017	<u>11</u>	AFFIDAVIT OF SERVICE of Individual Rules and June 16, 2017 Order (ECF No. 9) served on United States Central Command on June 23, 2017. Document filed by Osen LLC. (Friedman, William) (Entered: 06/23/2017)
07/21/2017	<u>12</u>	ANSWER to <u>1</u> Complaint,. Document filed by United States Central Command.(Krause, Andrew) (Entered: 07/21/2017)
09/12/2017	<u>13</u>	LETTER MOTION for Extension of Time to File <i>pre–conference letter and proposed case management plan</i> addressed to Judge Katherine Polk Failla from Andrew E. Krause dated September 12, 2017., LETTER MOTION to Adjourn Conference <i>scheduled for September 20, 2017</i> addressed to Judge Katherine Polk Failla from Andrew E. Krause dated September 12, 2017. Document filed by United States Central Command.(Krause, Andrew) (Entered: 09/12/2017)
09/12/2017	<u>14</u>	ORDER granting <u>13</u> Letter Motion for Extension of Time to File; granting <u>13</u> Letter Motion to Adjourn Conference. Application GRANTED. The initial pretrial conference previously scheduled for September 20, 2017, at 3:00 p.m., is ADJOURNED until October 13, 2017, at 2:00 p.m. The parties' deadline to submit a joint letter ahead of the initial pretrial conference is ADJOURNED until October 5, 2017. And consistent with Defendants' above request, the parties may submit a joint letter that sets forth a case management schedule (instead of filing a joint letter and a Civil Case Management Plain and Scheduling Order). (Initial Conference set for 10/13/2017 at 02:00 PM before Judge Katherine Polk Failla.) (Signed by Judge Katherine Polk Failla on 9/12/2017) (ras) (Entered: 09/12/2017)
09/19/2017	<u>15</u>	LETTER addressed to Judge Katherine Polk Failla from Michael J. Radine dated September 19, 2017 re: Request for Adjournment. Document filed by Osen LLC.(Radine, Michael) (Entered: 09/19/2017)

09/20/2017	<u>16</u>	MEMO ENDORSED on re: <u>15</u> Letter filed by Osen LLC. ENDORSEMENT: Application GRANTED. However, the Court will not be able to reschedule the conference for any of the dates the parties have offered. The parties are ORDERED to provide the Court with additional potential dates on or before September 22, 2017. So Ordered (Signed by Judge Katherine Polk Failla on 9/19/2017) (js) (Entered: 09/20/2017)
09/20/2017	<u>17</u>	LETTER addressed to Judge Katherine Polk Failla from Michael J. Radine dated September 20, 2017 re: proposed dates for pretrial conference. Document filed by Osen LLC.(Radine, Michael) (Entered: 09/20/2017)
09/20/2017	<u>18</u>	MEMO ENDORSEMENT on re: <u>17</u> Letter filed by Osen LLC. ENDORSEMENT: The initial pretrial conference is rescheduled for November 9, 2017, at 4:30 p.m. (Initial Conference set for 11/9/2017 at 04:30 PM before Judge Katherine Polk Failla.) (Signed by Judge Katherine Polk Failla on 9/20/2017) (ras) (Entered: 09/20/2017)
10/02/2017	<u>19</u>	LETTER MOTION for Extension of Time to File <i>joint pre-conference letter</i> addressed to Judge Katherine Polk Failla from Andrew E. Krause dated October 2, 2017. Document filed by United States Central Command.(Krause, Andrew) (Entered: 10/02/2017)
10/02/2017	<u>20</u>	ORDER: granting <u>19</u> Letter Motion for Extension of Time to File Proposed Civil Case Management Plan and Scheduling Order. Rule 3.B of this Court's Individual Rules of Practice in Civil Cases provides, in relevant part: "[T]he parties are required to submit via e-mail a joint letter and Proposed Civil Case Management Plan and Scheduling Order in PDF format by Thursday of the week prior to the initial pretrial conference." Thus, the parties' deadline to submit a joint letter and a proposed Civil Case Management Plan and Scheduling Order is November 2, 2017. (Signed by Judge Katherine Polk Failla on 10/2/2017) (ap) (Entered: 10/02/2017)
11/02/2017	<u>21</u>	JOINT LETTER addressed to Judge Katherine Polk Failla from Michael J. Radine and Andrew E. Krause dated November 2, 2017 re: Joint Pretrial Case Management Letter. Document filed by Osen LLC. (Attachments: # <u>1</u> Exhibit A)(Radine, Michael) (Entered: 11/02/2017)
11/09/2017		Minute Entry for proceedings held before Judge Katherine Polk Failla: Initial Pretrial Conference held on 11/9/2017. (Court Reporter Kelly Surina) (Lopez, Jose) (Entered: 11/13/2017)
11/09/2017	<u>22</u>	MEMO ENDORSED on re: <u>21</u> Letter filed by Osen LLC. ENDORSEMENT: The Court is in receipt of the Parties' joint letter and endorses the proposed schedule contained therein. It is hereby ORDERED that:(i) Defendant complete its next production of responsive documents on or before November 22, 2017; (ii) Defendant produce an additional set of responsive documents on or before December 22, 2017; (iii) the Parties meet and confer to identify any remaining issues in dispute on or before January 10, 2018; and (iv) the Parties submit a status report to the Court identifying any remaining issues on or before January 17, 2018, which report shall include a proposed schedule for any further discovery and any motions or other briefing, as necessary. (Responses due by 12/22/2017, Status Report due by 1/17/2018.) (Signed by Judge Katherine Polk Failla on 11/9/2017) (js) (Entered: 11/13/2017)
12/12/2017	<u>23</u>	TRANSCRIPT of Proceedings re: conference held on 11/9/2017 before Judge Katherine Polk Failla. Court Reporter/Transcriber: Kelly Surina, (212) 805-0300. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 1/2/2018. Redacted Transcript Deadline set for 1/12/2018. Release of Transcript Restriction set for 3/12/2018.(McGuirk, Kelly) (Entered: 12/12/2017)
12/12/2017	<u>24</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a CONFERENCE proceeding held on 11/9/17 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(McGuirk, Kelly) (Entered: 12/12/2017)

01/17/2018	<u>25</u>	STATUS REPORT. <i>Submitted pursuant to the Court's November 9, 2017 Order.</i> Document filed by Osen LLC.(Radine, Michael) (Entered: 01/17/2018)
01/18/2018	<u>26</u>	MEMO ENDORSEMENT on re: <u>25</u> Status Report filed by Osen LLC. ENDORSEMENT: Application GRANTED. The Court has reviewed the parties' proposed production and briefing schedules. The Court hereby APPROVES each of the proposed deadlines. SO ORDERED. Cross Motions due by 5/11/2018., Motions due by 4/13/2018., Responses due by 5/25/2018, Replies due by 6/8/2018. (Signed by Judge Katherine Polk Failla on 1/18/2018) (rj) Modified on 4/10/2018 (rj). (Entered: 01/19/2018)
03/29/2018	<u>27</u>	LETTER MOTION for Extension of Time to File <i>defendant's summary judgment brief, and corresponding extensions of the subsequent briefing deadlines</i> addressed to Judge Katherine Polk Failla from Andrew E. Krause dated March 29, 2018. Document filed by United States Central Command.(Krause, Andrew) (Entered: 03/29/2018)
03/29/2018	<u>28</u>	ORDER granting <u>27</u> Letter Motion for Extension of Time to File defendant's summary judgment brief, and corresponding extensions of the subsequent briefing deadlines. Application GRANTED. No further extensions will be granted. (Signed by Judge Katherine Polk Failla on 3/29/2018) (kgo) (Entered: 03/29/2018)
03/29/2018		Set/Reset Deadlines: Cross Motions due by 5/29/2018. Motions due by 4/24/2018. Responses due by 6/12/2018 Replies due by 6/26/2018. (kgo) (Entered: 03/29/2018)
04/24/2018	<u>29</u>	MOTION for Summary Judgment . Document filed by United States Central Command. Responses due by 5/29/2018(Krause, Andrew) (Entered: 04/24/2018)
04/24/2018	<u>30</u>	MEMORANDUM OF LAW in Support re: <u>29</u> MOTION for Summary Judgment . . Document filed by United States Central Command. (Krause, Andrew) (Entered: 04/24/2018)
04/24/2018	<u>31</u>	DECLARATION of Major General Terry Ferrell in Support re: <u>29</u> MOTION for Summary Judgment .. Document filed by United States Central Command. (Attachments: # <u>1</u> Exhibit 1 (Delegation of classification authority), # <u>2</u> Exhibit 2 (Vaughn index))(Krause, Andrew) (Entered: 04/24/2018)
05/29/2018	<u>32</u>	CROSS MOTION for Summary Judgment . Document filed by Osen LLC. Responses due by 6/12/2018(Friedman, William) (Entered: 05/29/2018)
05/29/2018	<u>33</u>	MEMORANDUM OF LAW in Opposition re: <u>29</u> MOTION for Summary Judgment ., <u>32</u> CROSS MOTION for Summary Judgment . <i>and in Support of Cross-Motion.</i> Document filed by Osen LLC. (Friedman, William) (Entered: 05/29/2018)
05/29/2018	<u>34</u>	DECLARATION of Russell L. McIntyre in Support re: <u>29</u> MOTION for Summary Judgment ., <u>32</u> CROSS MOTION for Summary Judgment .. Document filed by Osen LLC. (Attachments: # <u>1</u> Exhibit 1)(Friedman, William) (Entered: 05/30/2018)
05/30/2018	<u>35</u>	DECLARATION of William A. Friedman in Support re: <u>32</u> CROSS MOTION for Summary Judgment .. Document filed by Osen LLC. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit, # <u>22</u> Exhibit, # <u>23</u> Exhibit, # <u>24</u> Exhibit, # <u>25</u> Exhibit, # <u>26</u> Exhibit)(Friedman, William) (Entered: 05/30/2018)
05/30/2018	<u>36</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – CROSS MOTION for Summary Judgment . Document filed by Osen LLC. Responses due by 6/12/2018 (Attachments: # <u>1</u> Local Rule 56.1 Statement)(Friedman, William) Modified on 5/30/2018 (db). (Entered: 05/30/2018)
05/30/2018		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney William Adam Friedman to RE-FILE Document <u>36</u> CROSS MOTION for Summary Judgment . ERROR(S): Rule 56.1 is filed separately, receiving it's own document #. Rule 56.1 Statement is found under the Event Type – Other Answers. First refile Motion, then file and link any supporting documents. (db) (Entered: 05/30/2018)

05/30/2018	<u>37</u>	CROSS MOTION for Summary Judgment . Document filed by Osen LLC. Responses due by 6/12/2018(Friedman, William) (Entered: 05/30/2018)
05/30/2018	<u>38</u>	MEMORANDUM OF LAW in Support re: <u>37</u> CROSS MOTION for Summary Judgment . <i>and in Opposition to Defendant's Motion for Summary Judgment</i> . Document filed by Osen LLC. (Friedman, William) (Entered: 05/30/2018)
05/30/2018	<u>39</u>	RULE 56.1 STATEMENT. Document filed by Osen LLC. (Friedman, William) (Entered: 05/30/2018)
05/30/2018	<u>40</u>	DECLARATION of Russell L. McIntyre in Support re: <u>37</u> CROSS MOTION for Summary Judgment .. Document filed by Osen LLC. (Attachments: # <u>1</u> Exhibit 1)(Friedman, William) (Entered: 05/30/2018)
05/30/2018	<u>41</u>	DECLARATION of William A. Friedman in Support re: <u>37</u> CROSS MOTION for Summary Judgment .. Document filed by Osen LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4A, # <u>5</u> Exhibit 4B, # <u>6</u> Exhibit 5A, # <u>7</u> Exhibit 5B, # <u>8</u> Exhibit 5C, # <u>9</u> Exhibit 5D, # <u>10</u> Exhibit 6A, # <u>11</u> Exhibit 6B, # <u>12</u> Exhibit 7, # <u>13</u> Exhibit 8, # <u>14</u> Exhibit 9, # <u>15</u> Exhibit 10, # <u>16</u> Exhibit 11A, # <u>17</u> Exhibit 11B, # <u>18</u> Exhibit 12, # <u>19</u> Exhibit 13, # <u>20</u> Exhibit 14, # <u>21</u> Exhibit 15, # <u>22</u> Exhibit 16, # <u>23</u> Exhibit 17, # <u>24</u> Exhibit 18, # <u>25</u> Exhibit 19, # <u>26</u> Exhibit 20, # <u>27</u> Exhibit 21, # <u>28</u> Exhibit 22, # <u>29</u> Exhibit 23, # <u>30</u> Exhibit 24, # <u>31</u> Exhibit 25, # <u>32</u> Exhibit 26)(Friedman, William) (Entered: 05/30/2018)
06/12/2018	<u>42</u>	REPLY MEMORANDUM OF LAW in Support re: <u>29</u> MOTION for Summary Judgment . <i>and in opposition to Plaintiff's cross-motion for summary judgment [Dkt. No. 37]</i> . Document filed by United States Central Command. (Krause, Andrew) (Entered: 06/12/2018)
06/12/2018	<u>43</u>	DECLARATION of Major General Terry Ferrell in Support re: <u>29</u> MOTION for Summary Judgment .. Document filed by United States Central Command. (Attachments: # <u>1</u> Exhibit 1 (Revised Vaughn index), # <u>2</u> Exhibit 2)(Krause, Andrew) (Entered: 06/12/2018)
06/26/2018	<u>44</u>	REPLY MEMORANDUM OF LAW in Support re: <u>37</u> CROSS MOTION for Summary Judgment . . Document filed by Osen LLC. (Friedman, William) (Entered: 06/26/2018)
06/26/2018	<u>45</u>	DECLARATION of Russell L. McIntyre in Support re: <u>37</u> CROSS MOTION for Summary Judgment .. Document filed by Osen LLC. (Friedman, William) (Entered: 06/26/2018)
06/26/2018	<u>46</u>	DECLARATION of William A. Friedman in Support re: <u>37</u> CROSS MOTION for Summary Judgment .. Document filed by Osen LLC. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15)(Friedman, William) (Entered: 06/26/2018)
06/26/2018	<u>47</u>	LETTER addressed to Judge Katherine Polk Failla from Michael J. Radine dated June 26, 2018 re: Requesting Oral Argument on Summary Judgment Motions. Document filed by Osen LLC.(Radine, Michael) (Entered: 06/26/2018)
06/26/2018	<u>48</u>	MEMO ENDORSEMENT on re: <u>47</u> Letter filed by Osen LLC. ENDORSEMENT: The Court will schedule oral argument if it determines that argument would be helpful. SO ORDERED. (Signed by Judge Katherine Polk Failla on 6/26/2018) (rro) (Entered: 06/27/2018)
06/27/2018	<u>49</u>	LETTER addressed to Judge Katherine Polk Failla from Michael J. Radine dated June 27, 2018 re: Courtesy copies of Defendant's motion for summary judgment and Plaintiff's cross-motion for summary judgment. Document filed by Osen LLC.(Radine, Michael) (Entered: 06/27/2018)
12/27/2018	<u>50</u>	STANDING ORDER M10-468: The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/18) (yv) (Entered: 01/02/2019)

03/22/2019	<u>51</u>	<p>OPINION AND ORDER re: <u>37</u> CROSS MOTION for Summary Judgment filed by Osen LLC, <u>29</u> MOTION for Summary Judgment filed by United States Central Command, <u>32</u> CROSS MOTION for Summary Judgment . filed by Osen LLC. For the reasons stated in this Opinion, the Government's motion for summary judgment is GRANTED in part and DENIED in part, and Plaintiff's cross-motion for summary judgment is DENIED in part and GRANTED in part. CENTCOM is directed to produce the redacted photographs of EFP strikes and the material on EFP size. Plaintiff's remaining requests are denied. The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case. SO ORDERED. (Signed by Judge Katherine Polk Failla on 3/22/2019) (rro) Transmission to Orders and Judgments Clerk for processing. Modified on 3/25/2019 (rro). (Entered: 03/22/2019)</p>
03/25/2019	<u>52</u>	<p>CLERK'S JUDGMENT re: <u>51</u> Memorandum & Opinion. It is hereby ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinion and Order dated March 22, 2019, the Government's motion for summary judgment is granted in part and denied in part, and Plaintiff's cross-motion for summary judgment is granted in part and denied in part; accordingly, the case is closed. (Signed by Clerk of Court Ruby Krajick on 03/25/2019) (Attachments: # <u>1</u> Notice of Right to Appeal)(dt) (Entered: 03/25/2019)</p>